

Court of Appeals, State of Michigan

ORDER

Rose Taylor a/k/a Rose James v Amerisure Inc.

Docket No. 256884

LC No. 95-515476-NF

Helene N. White
Presiding Judge

Kurtis T. Wilder

Karen M. Fort Hood
Judges

In lieu of granting the application for leave to appeal, this court VACATES the July 2, 2004 order, and REMANDS the matter to the trial court for an articulation regarding whether the motion for relief was filed within a reasonable time, MCR 2.612(C)(2) and whether defendant's substantial rights have been affected. *Heugel v Heugel*, 237 Mich App 471, 603 NW2d 121 (1999). On remand, the court shall consider whether it should require plaintiff to seek, Nunc Pro Tunc approval of the settlement from the probate court. We do not retain jurisdiction.

Judge Wilder would grant leave to appeal.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JAN 20 2005

Date

Sandra Schultz Mengel
Chief Clerk